

**COMPETENCY TO STAND TRIAL
NOT RESTORABLE FINDING
AND ORDER OF PLACEMENT**

JD-CR-7A Rev. 2-20
C.G.S. § 54-56d; P.A. 18-134

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Instructions

1. Prepare in triplicate if placement order is made.
2. Give original and copy to proper officer for service. File one copy.
3. If administration of medication is ordered, prepare form JD-CR-147.

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| Name of defendant | Date of birth | Location of defendant (If confined, name institution, if not name attorney and home address) | |
| Judicial District or Geographical Area | Address of court | | Docket number |

After a hearing, the court finds by a preponderance of the evidence that the defendant is not competent, that is, that the defendant is unable to understand the proceedings against the defendant or to assist in the defendant's own defense, and that there is not a substantial probability that the defendant, if provided with a course of treatment, will attain competency within the period of any placement order allowed under section 54-56d of the Connecticut General Statutes. The court orders that any conditions of release are vacated and further orders the defendant: *(select all that apply)*

1. ☐ Released.
2. ☐ Placed in the custody of the Commissioner of Mental Health and Addiction Services, who is ordered to apply for a civil commitment.
☐ The Commissioner shall give the court notice when the defendant is released from the Commissioner's custody, if the release is prior to the expiration of the time within which the defendant may be prosecuted for the crime charged, which expires on: _____.
3. ☐ Placed in the custody of the Commissioner of Mental Health and Addiction Services, who is ordered to provide services to the defendant in a less restrictive setting determined by the appointed examiners to be available and appropriate.
4. ☐ Placed in the custody of the Commissioner of Developmental Services, who is ordered to apply for a civil commitment.
☐ The Commissioner shall give the court notice when the defendant's commitment is terminated if the termination is prior to the expiration of the time within which the defendant may be prosecuted for the crime charged, which expires on: _____.
5. ☐ Placed in the custody of the Commissioner of Children and Families, who is ordered to apply for a civil commitment.
6. ☐ A special condition of the defendant's release or placement is that the defendant submit to periodic examinations of the defendant's competency at intervals of not less than 6 months, as directed by section 54-56d (d) and (m) of the Connecticut General Statutes, either: *(select one)*
☐ on or before: *(specify date)* _____ OR ☐ every: *(specify frequency)* _____.

The examinations shall continue until the expiration of the time within which the defendant may be prosecuted for the crime charged, which expires on: _____.

If, at any time after the initial periodic examination, the court finds again, on the basis of an examiner's recommendation, that there is a substantial probability that the defendant, if provided with a course of treatment, will never regain competency, any subsequent periodic examinations shall be performed every:
(specify frequency, which must be intervals of not less than 18 months) _____.

If, after any periodic examination of the defendant pursuant to this condition, prior to the expiration of the time within which the defendant may be prosecuted for the crime(s) charged, the court finds that the defendant has attained competency, the defendant shall be returned to the custody of the Commissioner of Correction or released, if the conditions for release have been met, and the court shall continue the criminal proceedings.

Note to Court: This condition may only be imposed upon a defendant who is charged with an alleged crime that resulted in the death or serious physical injury, as defined in section 53a-3 of the Connecticut General Statutes, of another person or with a violation of sections 53-21(a)(2), 53a-60(a)(2), 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, or 53a-72b of the Connecticut General Statutes whom the court orders released, as directed in #1 above, or whom the court orders placed in the custody of the Commissioner of Mental Health and Addiction Services, as directed in #2 or #3 above, or the Commissioner of Developmental Services, as directed in #4 above.

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| By Order of the Court (Name of Judge) | Signed (Assistant Clerk) | Date signed |
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|-------------------|---------------|
| Name of defendant | Docket number |
|-------------------|---------------|

TO: A State Marshal, or any proper officer and the Commissioner of Mental Health and Addiction Services, Commissioner of Developmental Services, Commissioner of Children and Families, Commissioner of Correction or person in charge of mental health facility or treatment program.

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| Placed with | <input type="checkbox"/> Commissioner of Mental Health & Addiction Services | <input type="checkbox"/> Commissioner of Children and Families | <input type="checkbox"/> Commissioner of Developmental Services | <input type="checkbox"/> Commissioner of Correction | <input type="checkbox"/> Mental Health Facility or Treatment Program |
| Maximum Period of Placement (<i>Select the lesser</i>) | <input type="checkbox"/> 18 Months <input type="checkbox"/> Maximum Sentence for Offense Charged: _____ Months | | | | |

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are commanded to take and convey the defendant to the above Commissioner and/or the Commissioner's agent, or the Superintendent of the above placement facility and deliver the defendant to the above Commissioner or appropriate mental health facility or treatment program and the Commissioner or Superintendent is commanded to keep safely the defendant until the defendant is able to understand the proceedings against the defendant and to assist in the defendant's own defense but not to exceed the maximum period of placement indicated above, and the Commissioner or Superintendent is further commanded to issue to this court a verified progress report pursuant to section 54-56d(j) of the Connecticut General Statutes **at least 7 days prior to the hearing date indicated above** or at any time when the Commissioner or Superintendent believes that the defendant has attained competency or that there is no substantial probability that the defendant will attain competency during the maximum period of placement shown above or whenever, within the first 120 days of the period covered by the placement order, he or she believes that the defendant would be eligible for civil commitment pursuant to section 54-56d(h)(2) of the Connecticut General Statutes, or whenever the Commissioner or Superintendent believes that the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency. Alternatively, pursuant to section 17a-517 or 54-56d (p) of the Connecticut General Statutes, if the Commissioner, in consultation with the Commissioner of Correction, determines that the defendant is not suitable for placement in a hospital for psychiatric disabilities, you are commanded to take and convey the defendant to the custody of the Commissioner of Correction.

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| By Order of the Court (<i>Name of Judge</i>) | Signed (<i>Assistant Clerk</i>) | Date signed |
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Return of Service

Then and there, by virtue hereof, I took and conveyed the above-named defendant to the placement facility specified above and there delivered said defendant into the hands of the above Commissioner and/or said Commissioner's agent or the Superintendent of the placement facility or treatment program and left with the Commissioner or Superintendent this Mittimus.

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| Signed (<i>State Marshal, Other Proper Officer</i>) | Date signed |
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